



House of Representatives

General Assembly

File No. 33

January Session, 2003

Substitute House Bill No. 5157

House of Representatives, March 18, 2003

The Committee on Government Administration and Elections reported through REP. O'ROURKE of the 32nd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING DISCLOSURE OF AUTOPSY REPORTS FOR PERSONS WHO DIE AS A RESULT OF POLICE ACTION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-411 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 (a) The Office of the Chief Medical Examiner shall keep full and
4 complete records properly indexed, giving the name, if known, of
5 every person whose death is investigated, the place where the body
6 was found, the date, cause and manner of death and containing all
7 other relevant information concerning the death and a copy of the
8 death certificate. The full report and detailed findings of the autopsy
9 and toxicological and other scientific investigation, if any, shall be a
10 part of the record in each case. The office shall promptly notify the
11 state's attorney having jurisdiction of such death and deliver to the
12 state's attorney copies of all pertinent records relating to every death in

13 which further investigation may be advisable. Any state's attorney,
14 chief of police or other law enforcement official may, upon request,
15 secure copies of such records or other information deemed necessary
16 by such official for the performance of his or her official duties.

17 (b) The report of examinations conducted by the Chief Medical
18 Examiner, Deputy Chief Medical Examiner, an associate medical
19 examiner or an authorized assistant medical examiner, and of the
20 autopsy and other scientific findings may be made available to the
21 public only through the Office of the Chief Medical Examiner and in
22 accordance with this section, section 1-210 and the regulations of the
23 commission. Any person may obtain copies of such records upon such
24 conditions and payment of such fees as may be prescribed by the
25 commission, except that no person with a legitimate interest in the
26 records shall be denied access to such records, and no person may be
27 denied access to records concerning a person in the custody of the state
28 at the time of death or a person who died as a result of police action.
29 As used in this section, a "person in the custody of the state" is a
30 person committed to the custody of (1) the Commissioner of
31 Correction for confinement in a correctional institution or facility or a
32 community residence, (2) the Commissioner of Children and Families,
33 or (3) the Commissioner of Mental Retardation.

34 (c) Upon application by the Chief Medical Examiner or state's
35 attorney to the superior court for the judicial district in which the
36 death occurred, or to any judge of the superior court in such judicial
37 district when said court is not then sitting, said court or such judge
38 may limit such disclosure to the extent that there is a showing by the
39 Chief Medical Examiner or state's attorney of compelling public
40 interest against disclosure of any particular document or documents.
41 Public authorities, professional, medical, legal or scientific bodies or
42 universities or similar research bodies may, in the discretion of the
43 commission, have access to all records upon such conditions and
44 payment of such fees as may be prescribed by the commission. Where
45 such information is made available for scientific or research purposes,
46 such conditions shall include a requirement that the identity of the

- 47 deceased persons shall remain confidential and shall not be published.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>

GAE *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Office of the Chief Medical Examiner	General Fund - Cost	Potential	Potential
Office of the Chief Medical Examiner	General Fund - Revenue Gain	Minimal	Minimal
Freedom of Information Commission	General Fund	See Below	See Below

Municipal Impact: None

Explanation

The bill allows any person access to autopsy records and other scientific findings of the Office of the Chief Medical Examiner (OCME) related to persons who died as a result of police action. Its impact may vary, depending upon the interpretation of the term “as a result of police action.”

If the bill is interpreted to provide expanded access in those few cases each year in which an officer is involved in a fatal shooting or similar situation, the OCME will be able to handle the resulting increase in requests within its anticipated budgetary resources. The office currently handles several thousand record requests annually with less than two full-time equivalent staff.

However, if it is interpreted to allow access to reports in cases involving the death of a person who had contact with a police officer in any capacity (e.g., an emergency medical response situation), a significant increase in requests may result. An additional Processing Technician, at an annual salary of approximately \$30,000, would be required.

The state will also experience a minimal revenue gain from the collection of additional fees for copied materials.

The Freedom of Information Commission, as currently constituted, can handle any additional workload that may be created by the bill from increased filings of appeals. The impact of the Early Retirement Incentive Program on the agency is unknown at this time but it is not expected to significantly effect agency operations. It should be noted, however, that the Governor's proposed budget recommends: (1) a significant reduction in agency staff, and (2) merging the agency into a newly created agency called the Commission on Fair and Open Government (CFOG). If this occurs, the future fiscal impact of the bill upon the CFOG is indeterminate.

OLR Bill Analysis

sHB 5157

***AN ACT CONCERNING DISCLOSURE OF AUTOPSY REPORTS
FOR PERSONS WHO DIE AS A RESULT OF POLICE ACTION*****SUMMARY:**

This bill gives the general public, rather than just those with a legitimate interest, access to the chief medical examiner's reports, autopsies, and other scientific findings related to a person who dies as a result of police action.

With one exception, the medical examiner's reports and findings are currently disclosable only to those people with a legitimate interest in them as established by the Commission on Medicolegal Investigations. Currently, those with such an interest include next of kin, an attorney acting on behalf of an estate, or an insurance agent.

The public currently has access to the examiner's reports and findings related to a person who, when he died, was in the custody of the commissioners of children and families, mental retardation, or correction (confined to a correctional institution, facility, or community residence).

EFFECTIVE DATE: October 1, 2003

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 17 Nay 0